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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SAMUEL L. JONES JR.,

Plaintiff,

-against-

INFINITY BROADCASTING CORPORATION:
OF WASHINGTON, D.C. n/k/a CBS RADIO
INC. OF WASHINGTON, D.C.,

Defendant.
-----X

Civil Action No.
07 CV 5793 (BSJ/AJP)

NOTICE OF MOTION

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INFINITY BROADCASTING CORPORATION:
OF WASHINGTON, D.C. n/k/a CBS RADIO
INC. OF WASHINGTON, D.C.,

Counterclaimant and Third-Party
Plaintiff,

-against-

SAMUEL L. JONES JR.,

Counterclaim Defendant, and

RADIO ONE, INC.,

Third-Party Defendant.
-----X

PLEASE TAKE NOTICE that, upon the Declaration of Linda J. Vilardo, the accompanying memorandum of law and all papers and proceedings heretofor had herein, the undersigned attorneys for Third-Party Defendant Radio One, Inc. ("Radio One") will move this Court before the Honorable Barbara S. Jones, U.S.D.J., at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order:

- 1) Pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure dismissing with prejudice the claims against Radio One;
- 2) Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure deleting references to Radio One from the Amended Preliminary Injunction issued by the Court on July 27, 2007; and
- 3) For such other and further relief as the Court may deem appropriate.

Pursuant to Rule 6.1(b) of the Local Rules of the United States District Court for the Southern District of New York, any opposing affidavits and answering memoranda shall be served within ten business days after service of this motion.

Dated: New York, New York
August 9, 2007

LEBENSFELD BORKER SUSSMAN & SHARON LLP

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